REMARKS

Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sigona et al. (U.S. 5,694,150) and White et al. (U.S. 5,982,351). Applicant respectfully traverses this rejection because neither of the cited references, whether taken alone or in combination, discloses or suggests a graphical user interface which displays a menu or menu items according to the number of times, or the amount of time, an input device has been actuated.

Sigona is drawn to a graphical user interface ("GUI") system which responds to user-generated events in order to allow multiple users to act simultaneously on the same task. (See col. 1, lines 6-10). Sigona thus discloses a system for avoiding a problem where multiple users, acting in concert, from plural screen displays and input devices, simultaneously input signals into a joint task. (See col. 2, lines 64-67). To avoid a conflict from simultaneously input signals, Sigona's system monitors, for example, the number of simultaneously input events. (See col. 3, lines 21-22). Sigona, however, only discloses input event monitoring in the context of simultaneous events, by different users, using different input devices. Nowhere does Sigona teach or suggest a link between monitoring of simultaneous input events from multiple users, and a selected menu or menu items for a single user at a single GUI.

White, on the other hand, is drawn to a method and apparatus for helping a user operate an electronic communications device, such as a two-way radio messaging system. (See col. 1, lines 7-10). White teaches a goal of avoiding problems encountered

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by many unfamiliar users in programming, preparing, addressing, and sending messages through the communications device. (See col. 1, lines 29-34). To avoid these problems, White discloses a system for displaying to the unfamiliar user a predictive menu which helps the user operate the communications device by guiding the user through a sequence of menu selection steps in a correct order. (See col. 5, lines 34-37). The predictive menu thus shown is not based upon the number of times the user actuates an input device to select the menu, or the amount of time or the amount of time taken to actuate the device, but upon the choices available to the user upon sending or receiving a message through the communications device.

In contrast, the present invention is drawn to a GUI which displays a menu or menu items based upon the number of times, or the amount of time, an input event has been received. As disclosed in the Specification to the present Application, the present invention is particularly useful for the operating system menus typically seen in the average desktop computer. According to the present invention, a single user may see a desired menu appear based upon the number of times or duration of time an input device, such as a button on a mouse, for example, has been actuated. Neither of the cited references, alone or in combination, disclose or suggest such advantageous features.

The problem faced and solved by the present inventor is to be considered in making a determination based on the obviousness of combining references. Without some suggestion within the prior art references themselves for such a combination, a

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rejection based on obviousness cannot be maintained. In the present case, neither Sigona or White even suggests the teachings of each other, let alone that of the present invention.

As discussed above, Sigona addresses only the issue of allowing multiple users at multiple GUIs input signals simultaneously and receive a display response in real-time. White addresses only how to guide an unfamiliar user through the operation of a complex communications device. There is no suggestion in Sigona to even use communications devices such as taught by White. Similarly, there is no suggestion in White of a problem experienced from simultaneous input signals from multiple users, as taught by Sigona. As such, there is no suggestion within either of the two prior art references themselves for any combination of the two references. Accordingly, for at least these reasons, the Section 103 rejection based on a combination of Sigona and White is respectfully traversed.

Furthermore, there is no teaching or suggestion in either of the prior art references for the display of the menu or menu items based upon the number of times, or the amount of time, an input device has been actuated by a user. Only White of the two references teaches the display of a menu, however, the menu displayed is determined by the *function* of the device being used, and not by how many times or how long the input has been actuated by the user. The menu displayed by White would not be a *preferred* menu, but an *available* menu. The number of times a button has been pressed, for example, would have no bearing upon what menu would be displayed by White's device. The menu displayed will only be based upon the options available to the communications

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device previously. Accordingly, for at least these additional reasons, the Section 103 rejection is further traversed.

Moreover, a combination of references cannot suggest the present invention when one of the references itself teaches away from the present invention. In the present case, White actually teaches away from the present invention by providing a predictive menu for *unfamiliar* users. In other words, White teaches a menu system to guide users unfamiliar with the device, whereas the present invention typically would be most useful for users familiar with computers. In fact, the menus displayed by White are predetermined, based upon the device options available. Consecutive number or duration of user input would have no bearing upon which device options were available according to White. As such, White even further teaches away from the present invention, which features a menu which is in part determined by the number of times an input device has been actuated, or by the duration of that actuation. Accordingly, for these reasons as well, the Section 103 rejection is again respectfully traversed.
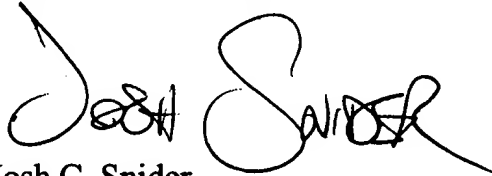
The foregoing arguments are applicable to independent claims 1, 2, 4, 7, and 10, which all feature some means for monitoring the number of times, and/or the amount of time, an input signal has been received. Dependent claims 3, 5-6, 8-9, and 11-12 thus include all of the features of their respective base claims, plus additional features, and are therefore distinct for at least the reasons discussed above regarding the independent claims.

Accordingly, for all of the foregoing reasons, Applicant submits that this Application, including claims 1-12, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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